

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DIANNE R. ROSE,

Plaintiff,

v.

NANCY A. BERRYHILL,

Defendant.

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CIVIL ACTION NO. 6:18-CV-00183-RAS

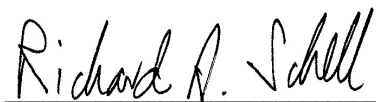
**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

On April 29, 2018, Plaintiff initiated the above entitled and numbered civil action pursuant to the Social Security Act, Section 205(g) for judicial review of the Commissioner's denial of Plaintiff's application for Social Security benefits. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On July 3, 2018, Defendant filed a motion to dismiss maintaining that Plaintiff untimely filed her claim more than 60 days after her receipt of the Appeals Council's decision. Docket No. 14. Plaintiff did not file a response. On July 23, 2018, the Magistrate Judge issued a Report and Recommendation recommending that the motion to dismiss be granted and the claims be dismissed with prejudice. Docket No. 16. No objections have been filed. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that the decision of Defendant's Motion to Dismiss (Docket No. 14) be **GRANTED**. Plaintiff's complaint is hereby **DISMISSED WITH PREJUDICE**.

SIGNED this the 10th day of August, 2018.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE